

EXHIBIT 5

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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4 - - -
5
6 CORY SPENCER, AN INDIVIDUAL;)
7 DIANA MILENA REED, AN)
8 INDIVIDUAL; AND COASTAL)
9 PROTECTION RANGERS, INC.,)
10 A CALIFORNIA NON-PROFIT PUBLIC)
11 BENEFIT CORPORATION,)
12 Plaintiffs,)
13 vs.) No.: 2:16-cv-02129-SJO (RAOx)
14)
15 LUNADA BAY BOYS; THE INDIVIDUAL)
16 MEMBERS OF THE LUNADA BAY BOYS,)
17 INCLUDING BUT NOT LIMITED TO)
18 SANG LEE, B RANT BLAKEMAN, ALAN)
19 JOHNSTON, AKA JALIAN JOHNSTON,)
20 MICHAEL RAE PAPAYANS, ANGELO)
21 FERRARA, FRANK FERRARA, CHARLIE)
22 FERRARA, AND N.F.; CITY OF)
23 PALOS VERDES ESTATES; CHIEF)
24 OF POLICE JEFF KEPLEY AND)
25 DOES 1 - 10,)
Defendants.)
- - - - -)

20 Deposition of ANTON DAHLERBRUCH, taken on
21 behalf of the Plaintiffs, at Premier Business Center,
22 One Park Plaza, Suite 600, Irvine, California, 92614,
23 commencing at 9:45 a.m., Friday, November 18, 2016,
24 before ANGELIQUE MELODY FERRIO, CSR No. 6979.
25

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1 IRVINE, CALIFORNIA, FRIDAY, NOVEMBER 18, 2016

2 9:45 A.M.

3 -000-

4
5 MR. FRANKLIN: Let's have everyone make their
6 appearances for the record, please.

7 THE WITNESS: Anton Dahlerbruch.

8 MR. RICHARDS: Ed Richards and I represent the
9 City.

10 MS. LUTZ: I'm Tera Lutz and I represent
11 Sang Lee.

12 MR. DIEFFENBACH: Richard Dieffenbach for
13 Brant Blakeman.

14 MS. VU: Jackie Vu representing Sang Lee.

15 MR. FRANKLIN: Why don't we go to the phone
16 next.

17 MR. COOPER: And I'm Robert Cooper for
18 Brant Blakeman.

19 MR. FIELDS: Mark Fields for Angelo Ferrara and
20 N.F.

21 MS. BELL: Laura Bell for Frank Ferrara and
22 Charlie Ferrara.

23 MR. HAVEN: And I'm Peter Haven for Michael
24 Papayans.

25 MR. FRANKLIN: Kurt Franklin on behalf of

10

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 246

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1 Plaintiffs Corey Spencer, Diana Milena Reed, and the
2 Coastal Protection Rangers in the punitive class.

3 Counsel, if I can just as a matter of
4 housekeeping, I'll suggest that in terms of objections,
5 I will stipulate if there's an objection that is made by
6 all so that we don't need to join an objection. If
7 that's okay with everybody here, it might help us speed
8 through the deposition.

9 If it's a different objection, I'm okay, but if
10 it's simply joining, I think that might be more
11 efficient; are people okay with that?

12 MR. RICHARDS: I'm fine with that.

13
14 ANTON DAHLERBRUCH,
15 having first been duly sworn, was
16 examined and testified as follows:

17
18 EXAMINATION

19
20 BY MR. FRANKLIN:

21 Q. Everybody has joined.

22 And if you can on the phone, I'll try to be
23 slow, and just identify yourself so that the court
24 reporter can figure out who is talking.

25 We've marked as the first exhibit the Notice of

1 City government, how does the Palos Verdes Estates Homes
2 Association interact with Palos Verdes Estates, the Home
3 Association; do they have a role in planning and
4 building and that type of thing?

5 A. The Home Association is a separate agency,
6 independent of the City. And they're the ones that
7 enforce the deeds and covenants.

8 And they have an art jury that is responsible
9 for the architecture, approving architecture of
10 properties --

11 Q. Okay.

12 A. -- structures on properties.

13 Q. So, I think that I heard you right and I was
14 curious about it.

15 The Palos Verdes Estate Home Association is a
16 separate public entity?

17 A. I don't know what you mean by public entity,
18 but they're separate from us.

19 Q. Do they have to follow the Brown Act?

20 A. No to my knowledge.

21 Q. Do they follow the Brown Act to your knowledge?

22 A. I don't know.

23 Q. Are you familiar with any of the historical
24 covenants in Palos Verdes Estates?

25 A. Clarify that for me.

1 Q. Covenants, well, I'll just say it because I'm
2 blunt.

3 Did you have an understanding that Palos Verdes
4 Estates used to be a deed restriction community?

5 A. I'm not sure what deed restriction means.

6 Q. A community where it was written into the
7 covenants of the real estate of Palos Verdes Estates
8 that a person couldn't sell their home to someone of
9 color?

10 A. I had heard that, but I have not seen that.

11 Q. Have you done any research on that?

12 A. No.

13 Q. Have you asked your staff to do any research on
14 that?

15 A. No.

16 Q. Do you know has there ever been any resolution
17 with the City disavowing that even if it was a platitude
18 saying that we don't believe in deed restricted
19 covenants?

20 A. I'm not aware one way or the other.

21 Q. Are you aware of any other deed restriction
22 communities in your work in the City Manager's
23 association?

24 A. Do you mean other cities that had at one point
25 in time like that?

1 evidence either.

2 MR. RICHARDS: I'm just stating my objections
3 for the record.

4 MR. FRANKLIN: And I wanted to give you the
5 context of that.

6 And in terms of exclusivity, we're alleging a
7 complaint. It's illegal exclusivity that affects all
8 beach goers and beach goers of color and all protected
9 categories. That's why I'm asking the question.

10 MR. RICHARDS: And that's why I'm objecting.

11 MR. FRANKLIN: Understood. Fair enough.

12 BY MR. FRANKLIN:

13 Q. Do you know, have there been any efforts on
14 behalf of the City to, related to the old deed
15 restrictions in terms of disavowing it or coming out
16 with a statement whether it's an E.E.O. type statement
17 or something else in terms of treatment of people?

18 A. I'm not aware historically of what the City has
19 done. However, I can assure you that the City welcomes
20 everybody into the community and treats everybody fairly
21 and there's no such discrimination.

22 Q. How frequently does the City do its AB 1825
23 training?

24 A. What number?

25 Q. AB 1825.

1 asked for those documents, there should be documents of
2 attendance?

3 A. Yes.

4 Q. Does the City have a no retaliation policy?

5 A. Can you clarify that for me, please.

6 Q. Well, I'll ask it in terms of if a resident or
7 someone makes a complaint, is there a formal policy that
8 the City shall not retaliate against somebody for making
9 a complaint related to race or some other civil right?

10 A. I'm not aware if we have a policy or not.

11 Q. Does the City have anti-harassment policies?

12 A. Yes.

13 Q. Is there a person who is in charge of
14 overseeing to make sure that those policies are updated?

15 A. It would also be out of the Human Resources
16 Office.

17 Q. So, is the Palos Verdes Homes Association, do
18 they have oversight over restrictive covenants; is that
19 fair?

20 A. Yes.

21 Q. And then what is the, what is the, this is --
22 this is new to me in terms of my work in City
23 government.

24 How does the Art Jury work; they're a
25 sub-committee of the Home Association?

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25 sub-committee of the Home Association?

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1 term first.

2 BY MR. FRANKLIN:

3 Q. Do you think it was after 2014 or before?

4 A. It was after, but I don't know exactly when it
5 came up.

6 Q. What to your knowledge as the chief executive
7 and City Manager of Palos Verdes Estates research has
8 the City done on the concept of localism?

9 A. What do you mean by research.

10 Q. Have you asked anybody to conduct a study on
11 localism generally?

12 A. Like write a report about it?

13 Q. Yes, evaluate it?

14 A. I'm not sure how to answer that question. We
15 have not conducted a thesis-type study or a research
16 study about what is localism or how you define localism,
17 if that's what you mean.

18 Q. Have you reached out to any other City Manager
19 of beach communities with respect to the issue of
20 localism?

21 A. No. What are you defining as localism?

22 MR. DIEFFENBACH: I'll join with the objection,
23 vague and ambiguous.

24 BY MR. FRANKLIN:

25 Q. Well, the City has on its web page, you can

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1 start there, and I can pull it up. I think that we
2 printed it. There's a web page done by the Wolcott
3 Company.

4 There's something along the lines of that we
5 don't tolerate localism. I think that's the intent of
6 that web page.

7 Do you authorize -- are you the person that
8 authorizes the postings on the web page?

9 A. Yeah, yes, I am, yes.

10 Q. And in terms of public communication and
11 outreach, are you in charge of P.R. for Palos Verdes
12 Estates, if there is such a thing?

13 A. I work with a team of staff to do that, yes.

14 Q. And what is the team of staff that works on
15 public relations?

16 A. It's a combination of the executive staff
17 depending on what the issue is.

18 Q. What about the localism issue, who were the
19 executive staff that worked on it?

20 A. Do you mean what is posted on the website?

21 Q. Yes.

22 A. Primarily, me, yeah, I think it's only me.

23 Q. Just you, you said probably?

24 A. It's a difficult question to answer defining
25 what you mean by localism.

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1 In terms of what is on the website, I'm
2 involved. Since Jackie was hired, Jackie Wu which I
3 spelled before, she has helped update our website. And
4 she has been with us two months. So, it has not been
5 very long.

6 Q. How long has the Wolcott Company done work for
7 the City?

8 A. Probably a year thereabouts or a year and a
9 half maybe.

10 Q. How were they retained?

11 A. They were retained -- do you mean what process
12 did we go through?

13 Q. Was there a specific incident that caused you
14 to reach out to the Wolcott Company?

15 A. Yeah. Their job to us is to build our website
16 and to help us convert from what was our old website to
17 our new website. And that was the purpose.

18 Q. And were they hired related to any specific
19 incident?

20 A. Only for building the website and actually
21 helping with creating our FaceBook account, presence,
22 not content, but for the actual creating the new web
23 page and associated links.

24 Q. How much was that contract; do you know?

25 A. Oh, I think that it's now at \$50,000. We

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1 modified it at one point. It started out at 17 or
2 something like that. *

3 Q. Who is your primary contact; Mr. Wolcott, is
4 that the primary contact?

5 A. That's correct.

6 Q. And how many employees does he have; do you
7 know?

8 A. I don't know.

9 Q. Was there an R.F.P. for that or how was he
10 hired?

11 A. We did send out a request for proposals after,
12 to several companies. And then we interviewed them and
13 then made a decision.

14 Q. Is that a bidder type of proposal or is there
15 discretion in terms of that type of hire?

16 A. It's not low bid, but they were the lowest.

17 Q. And in terms of what the text that's on the
18 website related to localism, who was the primary author
19 of that?

20 A. Me.

21 Q. And before you wrote it, who did you consult
22 with?

23 A. Well, I got input from staff, including
24 Mr. Wolcott, and typically, share information with the
25 City Council as appropriate. I don't know if I did on

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1 that one or not, but depending.

2 Q. Do you remember what staff you got input on, on
3 that particular?

4 A. I don't, sorry.

5 Q. But that should be in your E-Mails in terms of
6 people you typically communicate with staff by E-Mail or
7 text?

8 A. Not text.

9 Q. E-Mail?

10 A. E-Mail. And sometimes we send it out to
11 everybody and everyone looks at it and they give us your
12 thoughts. And other times it's let's sit down and talk
13 about it.

14 Q. In terms of your E-Mail habits, do you
15 typically copy the City Clerk?

16 A. No.

17 Q. How do things get put into a file or do they in
18 terms of your E-Mails?

19 A. They're saved through the system and others
20 lawsuit related. I have to make sure they're put aside.
21 And then if it's correspondence with residents, I also
22 make a point of putting those aside so they don't get
23 lost.

24 Q. Do you have an in-box or folders where you put
25 things?

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1 A. It's not an in-box, but on the hard drive.

2 Q. So, there are separate folders that you've
3 created for different topics?

4 A. Not by topics, but just moved into a folder.

5 Q. What type of organization do you use for your
6 folders?

7 A. Do you mean what's the title of the folder?

8 Q. Yes.

9 A. I have one for, two folders that I save the
10 E-Mails in. One is council correspondence and the other
11 one is staff correspondence.

12 Q. And in terms of, do those automatically migrate
13 or do you drag them into it?

14 A. I drag them into it.

15 Q. And do you do that weekly, monthly, daily, when
16 you have time?

17 A. As I send the E-Mail.

18 Q. So, if you send it, you have a habit that you
19 send it and drag it afterwards and put it in the folder
20 so that it's saved?

21 A. Right.

22 Q. Have all of those been retained?

23 A. Yes.

24 Q. And before you wrote the E-Mail on localism,
25 did you take a historical look at any police reports

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1 related to surfing incidents?

2 A. No. I did not look at specific police reports,
3 no.

4 Q. Did you look at any data in terms of how many
5 incidents, beach-related incidents there may have been
6 prior to writing that report?

7 A. I'm aware of it. Did I look at specific
8 documents, it depends. We have a variety of different
9 files that I make myself familiar with.

10 Q. And what files did you make yourself familiar
11 with?

12 A. Whatever is in the Police Department and with
13 the City Clerk.

14 Q. And about how much time did you spend preparing
15 that?

16 A. What is on the web page, I don't know offhand,
17 sorry.

18 Q. More than a few hours?

19 A. Yeah, it's hard to say. It goes through, you
20 look at it and you go back and look at it and look again
21 and you tweak and you modify. Sorry. I didn't keep
22 track of how long it was.

23 Q. Do you think it's fewer than ten hours?

24 I'm trying to get how serious that you took in
25 posting this on the web page and how long that you spent

67

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 255

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1 on it.

2 MR. RICHARDS: What's the question?

3 BY MR. FRANKLIN:

4 Q. How long did you spend preparing the text of
5 localism on your web page?

6 MR. DIEFFENBACH: Calls for speculation.

7 THE WITNESS: I can't tell you. I don't know
8 how long I spent.

9 BY MR. FRANKLIN:

10 Q. And so that means, I'm not asking for specifics
11 in terms of I'm asking for your best estimate. And I
12 didn't go through this. I'm entitled to your best
13 estimate.

14 I'm not asking you to guess. So, you think it
15 might have been, did you spend two days; was it a whole
16 weekend; was it a few hours?

17 MR. RICHARDS: So, what's the question?

18 BY MR. FRANKLIN:

19 Q. What is your best estimate in terms of how much
20 time that you spent preparing the text that is posted on
21 the City of Palos Verdes Estates website related to
22 localism?

23 A. I'm sorry. I'm not trying to be obstinate, but
24 I don't know really how to -- I don't remember and I
25 don't recall how long it took me.

68

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 256

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1 I'll tell you that we took it very seriously
2 and it's important to us to make sure that everybody has
3 a clear understanding of our concern about the
4 situation. And we wanted to make sure that it was
5 appropriately drafted.

6 Q. Did you get the first draft from Mr. Wolcott?

7 A. I don't remember.

8 Q. Is it possible that you got the first draft
9 from Mr. Wolcott?

10 MR. DIEFFENBACH: Speculation.

11 THE WITNESS: No, well, it's possible, but not
12 for sure.

13 BY MR. FRANKLIN:

14 Q. Okay.

15 A. Because there are oftentimes that I would write
16 something and then just get feedback from people.

17 Q. So, is it fair to say that you did not consult
18 any historians relating to the issue of localism prior
19 to writing that piece that is posted on the Palos Verdes
20 Estates web page?

21 A. Remind me when it went up, please.

22 Q. One second and I can do that. I believe that
23 it went up in 2015. So, does that help you, I mean, in
24 terms of --

25 A. We spent a significant amount of time trying to

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1 understand what the situation was and collected and had
2 meetings and collected information, collected verbal
3 information from people to have an understanding of what
4 the concerns are.

5 And I don't, and part of that may have been
6 before, during or after the website was updated. And I
7 just don't remember the dates.

8 Q. You said that you had meetings trying to
9 understand the issue, who did you have meetings with?

10 A. First, it was with the Surf Rider Foundation.

11 Q. Okay, keep going. That was first?

12 A. Yes.

13 Q. What was second?

14 A. The Heal The Bay, actually, it may have been
15 the Coastal Commission or one or the other.

16 Q. Okay. Anybody else?

17 A. The Lunada Bay Homeowner's Association.

18 Q. Anybody else?

19 A. I can't think of anything offhand.

20 Q. And in terms of when these might be, do you
21 keep an Outlook calendar?

22 A. I do.

23 Q. And do you, would you calendar such meetings on
24 your Outlook calendar?

25 A. Yeah.

70

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 258

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1 Q. And so if we, if there was a production of your
2 Outlook calendar for the last few years, we would be
3 able to find that you attended or at least it was
4 scheduled?

5 A. We can find the things if that's what you're
6 asking for.

7 Q. Okay. Do you calendar your own meetings or
8 does the City Clerk calendar your meetings?

9 A. A number of people including me will calendar
10 meetings.

11 Q. Who most frequently calendars your meetings,
12 yourself?

13 A. Yes.

14 Q. And prior to trying to understand the issue
15 with Surf Rider, the Coastal Commission, Heal The Bay,
16 and the Lunada Bay Homeowner's Association, have you
17 done any other independent investigation in terms of the
18 issue of localism?

19 A. I have walked down there.

20 Q. When did you walk down there after this in
21 terms of localism being an issue, when did you walk down
22 there?

23 A. I don't have the dates.

24 Q. Was it this year of 2016?

25 A. I've been down there in 2016, yes.

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1 Q. Would those be on your calendar, too, in terms
2 of walking down there?

3 A. I don't know that they would be.

4 Q. In terms of trying to understand the issue, did
5 you go down and talk to any surfers down there or beach
6 goers?

7 A. Yeah, I have.

8 Q. Who did you talk to?

9 A. I don't remember their names.

10 Q. Do you remember -- you don't remember any of
11 their names?

12 A. No.

13 Q. Did you take any notes of who you talked to?

14 A. No.

15 Q. And what was the discussion that you had with
16 them?

17 A. Just learning about or hearing about their
18 perception of what's going on.

19 Q. And what was their perception?

20 A. Their perceptions were that the space down at
21 the coastline is available for everybody.

22 Q. Anything else?

23 A. No.

24 Q. Did you reach out to anybody; what did Surf
25 Rider Foundation tell you about the subject of localism?

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1 A. Actually, not much.

2 Q. Why do you say that?

3 A. Well, I called them when there was an interest
4 gathering on the particular issue of surfing in the
5 area, we reached out or I reached out to them to
6 understand their perspective on it and how to work
7 together to try to address it.

8 Q. And what did they tell you?

9 A. Not much.

10 Q. Did you ask them if they would be willing to
11 send their members down there as undercover?

12 A. I asked them, we feel that the, that it is open
13 to the public. Everybody does have access to it. And
14 we wanted to validate that and asked them to go down and
15 experience it for themselves, to draw their own
16 conclusion.

17 Q. And what did they tell you?

18 A. No.

19 Q. Didn't they tell you that they didn't want to
20 put their members in harm's way?

21 A. They were concerned about their members. I
22 don't remember the exact words.

23 Q. But something like that?

24 A. Yeah.

25 Q. And did that resonate with you?

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1 A. No.

2 Q. It didn't cause you any concern that the Surf
3 Rider Foundation was afraid to send people down there?

4 A. No, because we feel that we've been doing
5 everything that we need to do to make sure that the area
6 is safe for everybody.

7 And there was not, there have not been, there
8 have been isolated incidents, not a preponderance of
9 incidents so.

10 Q. When you say we feel that we have been doing
11 everything, who is we?

12 A. I would say the City. I represent the City.

13 Q. Is there anyone specifically when you say we
14 feel?

15 A. I represent the City.

16 Q. And the Coastal Commission how many times, what
17 did the Coastal Commission, what do you recall of that
18 meeting and their interests and the issue of localism?

19 A. They were interested in the patio structure.

20 Q. Weren't they interested in the issue of
21 localism also?

22 A. Their main focus is the patio structure.

23 Q. I understand that, but I also understand that
24 they asked the City to address the issue of localism,
25 isn't it fair to say that they asked you to the evaluate

1 the issue of localism?

2 A. I respectfully disagree with you because they
3 acknowledged in their correspondence that in terms of
4 localism that the behavior is a local matter under
5 police jurisdiction of theirs.

6 Q. So, the fact that they raised the issue of
7 localism, there's a State agency, did not cause you take
8 that more or less seriously?

9 A. What we took seriously was the, that we needed
10 to address the patio structure and that is the main
11 relationship and focus with them.

12 Q. And did you do any surveys of beach goers
13 outside of the area to better understand the issue of
14 localism?

15 A. No surveys.

16 Q. And so if I've got this right, right now you're
17 basing your opinion on visiting the surfers on the
18 patio; what else did you base your opinion on in terms
19 of their being equal access to all?

20 A. Having talked to the Surf Rider Foundation,
21 having talked to the Coastal Commission and talked to
22 Lunada Bay homeowners, having various residents coming
23 to council meetings and non-residents coming to council
24 meetings and talking with the Police Chief who has
25 explained everything that they're doing to address the

1 situation.

2 Q. I guess I'm puzzled because of, we'll get to
3 the documents, but at least two of those said that there
4 is a problem down there.

5 And what I'm hearing so far is that we the City
6 were only listening to the local surfers down on the
7 patio and perhaps local residents.

8 Is it fair to say that other than the meeting
9 with the Coastal Commission, and Surf Rider, and Heal
10 The Bay, did you reach out to any other groups to try to
11 identify and better understand the issue of localism?

12 MR. RICHARDS: I'm sorry, but what is the
13 question that you're asking?

14 BY MR. FRANKLIN:

15 Q. Other than these four groups that you have
16 identified in terms of the other side of the story that
17 there's a problem with localism, what investigation did
18 you do; and it sounds like there's none?

19 A. I think that I explained what we did do and can
20 reiterate that the instances that you just referred to
21 were investigated and responded to.

22 Q. But no survey was done; is that fair to say?

23 A. That's correct.

24 Q. And no survey in terms of beach goers outside
25 the City; is that fair to say?

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1 Q. Was it just one in-person meeting or was there
2 more than one in-person meeting?

3 A. I know that there was one. I don't recall if
4 there was another one or not.

5 Q. Does that mean that there was not another one
6 or you don't remember either way?

7 A. I don't remember another one. I know that we
8 communicated after that.

9 Q. And how did you communicate with Surf Rider
10 after the in-person meeting?

11 A. We followed up, my recollection is that
12 inviting them again to get back to us about, you know,
13 we wanted them to come down and enjoy the community and
14 use the area. And then they sent back a letter that you
15 referenced.

16 Q. So, was the follow-up an E-Mail or a phone
17 message?

18 A. I honestly don't recall.

19 Q. Who would have been the person that followed up
20 with Mr. Cadwallader; would it have been you or someone
21 who works for you?

22 A. It may have been both, but I just don't
23 remember. Someone who works for me and me.

24 Q. Who would have been the person that followed
25 up, other than you?

1 BY MR. FRANKLIN:

2 Q. And what did the letter say?

3 A. You know, it has been a long time since I saw
4 it. So, I don't recall specifically.

5 Q. Is it fair to say that they were afraid to send
6 their members down to Lunada Bay?

7 MR. DIEFFENBACH: The document speaks for
8 itself, calls for speculation.

9 MR. RICHARDS: Are you asking if that's what it
10 said?

11 MR. FRANKLIN: He said that he cared about this
12 issue.

13 MR. RICHARDS: Well, that has nothing to do
14 with it.

15 MR. FRANKLIN: So, I'm asking if he remembers
16 what was in this E-Mail back.

17 MR. RICHARDS: So, what's the question without
18 the preface?

19 BY MR. FRANKLIN:

20 Q. What do you recall being in that E-Mail; did it
21 have a reference to their members not wanting to send
22 their members to Lunada Bay?

23 A. I don't believe that there was an E-Mail along
24 those lines at all. I recall that they sent us a
25 letter.

1 Q. Do you recall that being a letter along those
2 lines?

3 A. I recall the letter and I don't remember the
4 specifics of it. And they were concerned about, you
5 know, helping us out.

6 Q. Were they concerned about safety of their
7 members or were they concerned about helping you out?

8 A. I need to see the letter to tell you what it
9 said. I don't recall what it said.

10 Q. So as of today, you don't recall it's fair to
11 say that Surf Rider ever expressed concern about member
12 safety relating to Lunada Bay?

13 A. Your question, I'm sorry, say that question
14 again, please.

15 Q. As you sit here today, you don't recall that
16 Surf Rider ever expressed to the City of Palos Verdes
17 Estates that they were worried about their members'
18 safety at Lunada Bay?

19 A. I recall that their letter to us was in
20 response to our suggestion and interest in having them
21 come and enjoy surfing in the City and go out in the
22 water because we felt that it was safe. And they
23 declined to do that for their reasons.

24 Q. So, you don't remember them ever expressing any
25 reasons for their declining?

1 A. I think they were concerned about doing that,
2 just end of story.

3 Q. The question is their members' safety.

4 And you don't remember them expressing anything
5 to Palos Verdes Estates about member safety at Palos
6 Verdes Estates?

7 A. I'd have to see the letter. I don't remember
8 if they used the word "safety" or not.

9 If you have the letter, I could tell you, but
10 our position was that we wanted them to go out there.
11 And we felt that it was safe and that they should, you
12 know, prove us wrong.

13 Q. And so we'll look at the letter later today.

14 A. Okay.

15 Q. But as you sit here right now, you just don't
16 remember; is that fair?

17 A. Okay.

18 Q. You don't remember what was in that letter?

19 A. Yeah. I'd have to see the letter to see what
20 it says.

21 Q. And you don't remember Surf Rider ever
22 expressing a concern about Lunada Bay?

23 MR. DIEFFENBACH: Asked and answered five times
24 already.

25 THE WITNESS: I think that you're taking it out

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1 of context, and I'm repeating myself also maybe for
2 them, but we had encouraged them to go down there
3 because we felt that it was safe.

4 BY MR. FRANKLIN:

5 Q. And the part that I'm asking you that you
6 haven't answered yet is that you don't remember them
7 being concerned about safety?

8 MR. DIEFFENBACH: Objection, asked and
9 answered. He answered the question.

10 THE WITNESS: I need to see the letter.

11 BY MR. FRANKLIN:

12 Q. So, you're unable to answer that question
13 without reviewing the letter?

14 A. I'd like to look at the letter.

15 Q. I know that you would like to, but you're
16 unable to answer the question without looking at the
17 letter?

18 A. Yes.

19 Q. Okay. How about the -- and so what I have on
20 Surf Rider was their, did you initiate the call or was
21 it a call or an E-Mail to setup that meeting?

22 A. I recall that I called them.

23 Q. And so it was the South Bay chapter of Surf
24 Rider?

25 A. That's correct.

1 Q. And did you have any interaction with Surf
2 Rider National? They're a parent organization of Surf
3 Rider.

4 A. I did not, no.

5 Q. And were you aware before that meeting that
6 Surf Rider had expressed concern about safety at Lunada
7 Bay many years before?

8 A. I did not know that when I called them.

9 Q. Did you learn that at some other point?

10 A. In the meeting I recall that they brought that
11 up.

12 Q. What do you recall them bringing up?

13 A. Exactly what you just said.

14 Q. What was that?

15 A. That there was a history that they were aware
16 of.

17 Q. It was the history that they were afraid of or
18 worried about safety of surfers at Lunada Bay?

19 A. No. I recall that they knew of the allegations
20 that people made about being at Lunada Bay.

21 Q. And in terms of before that meeting, you did
22 not know that Surf Rider had formal concerns about the
23 safety of surfers at Lunada Bay who were not locals?

24 A. Correct.

25 Q. How about your, in terms of then in terms of

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1 the follow-up, it's clear that there was not another
2 in-person meeting with Surf Rider South Bay?

3 A. I don't recall one.

4 Q. And you cannot recall any specific phone calls
5 with them afterwards?

6 A. No, no specific phone calls with them.

7 Q. And then in terms of, when did you first meet
8 with -- strike that.

9 When did the City first meet with the Coastal
10 Commission about the un-permitted structure at Lunada
11 Bay?

12 A. I don't remember the date, but it was after
13 that meeting with Surf Rider.

14 Q. Was it after -- when you met with the Coastal
15 Commission, had you already received correspondence from
16 them?

17 A. I think so, but I'm not sure.

18 Q. And when was the -- was it more than one
19 in-person meeting with the Coastal Commission regarding
20 Lunada Bay?

21 A. Yes, there have been.

22 Q. And how many meetings have there been?

23 A. I believe two.

24 Q. And who attended those meetings?

25 A. The first one included the Police Chief, the

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1 Planning & Building Director.

2 Q. Is that the City Manager?

3 A. Yes, that person, and me.

4 Q. And how about on the Coastal Commission side,
5 who attended?

6 A. I don't know all their names.

7 Q. Was there more than one person?

8 A. They had four or five people and someone on the
9 telephone, too.

10 Q. Where was that first meeting with the Coastal
11 Commission?

12 A. Their office.

13 Q. Is that in Long Beach; where is their office
14 located?

15 A. It's in Long Beach.

16 Q. Do you know about how long that first meeting
17 was with the Coastal Commission?

18 A. Probably about an hour or so.

19 Q. Who setup that first meeting with the Coastal
20 Commission?

21 A. Either I did or the Planning & Building
22 Director, slash, Deputy City Manager. We asked for it
23 or I asked for it.

24 Q. What was the purpose of you asking for that
25 meeting?

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1 A. Similar to the other meetings that we had. We
2 wanted to do fact-finding and understand their
3 perspective and concerns and issues and build a
4 relationship so we could mutually work together to
5 address the situation.

6 Q. Did you have an agenda for that meeting, paper
7 agenda, a paper agenda, purpose driven?

8 A. I don't recall one.

9 Q. Did you take notes at that meeting?

10 A. I did not.

11 Q. Is it your habit not to take notes of meetings?

12 I'm just trying to understand what your
13 personal habits are in terms of notes; how do you
14 memorialize meetings that you've had?

15 A. I do my best to remember.

16 Q. Do you dictate?

17 A. No.

18 Q. Okay. And so with a meeting like that, that's
19 not the type of meeting where you would make notes to
20 yourself?

21 A. Correct. And I was with other people and
22 collectively, you know, we have a recollection.

23 Q. All right. And did anybody on the City side
24 take notes?

25 A. I don't know.

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1 Q. Have you asked?

2 A. No.

3 Q. Was there an E-Mail exchange following that
4 meeting, first meeting with the Coastal Commission?

5 A. I don't know.

6 Q. Did you have any telephone calls with the
7 Coastal Commission subsequent to that first in-person
8 meeting in Long Beach?

9 A. No.

10 Q. Did your staff have any telephone calls to your
11 knowledge with the Coastal Commission following that
12 first in-person meeting in Long Beach?

13 A. I believe so.

14 Q. Who?

15 A. Ms. Repp-Loadsman.

16 Q. Did she report to you on her interaction with
17 the Coastal Commission?

18 A. Generally.

19 Q. Was it in-person or by letter or memo or
20 E-Mail; how did she report to you?

21 A. In-person.

22 Q. What did she tell you?

23 A. That she had talked with them to understand,
24 also, their concerns and to convey our interest in
25 working together to address the situation that we were

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1 dealing with.

2 Q. Okay. And at that time what did you understand
3 the situation to be with respect to the Coastal
4 Commission?

5 A. That we have an un-permitted structure. And
6 either we have to obtain permits to maintain it or
7 remove it.

8 Q. Was there anything else on the Coastal
9 Commission's mind that you know of that related to you?

10 A. From that meeting, no, I think that was
11 primarily it.

12 Q. Was there a second in-person meeting with the
13 Coastal Commission?

14 A. Yes.

15 Q. And when was the second in-person meeting?

16 A. I don't know the date, sorry.

17 Q. Do you remember the general time frame; was it
18 the summer of 2016?

19 A. I don't know.

20 Q. Where was that meeting, also in Long Beach?

21 A. No. That was actually at the site, at the
22 Lunada Bay site.

23 Q. Who attended the second meeting at the Lunada
24 Bay site?

25 A. From the City it was me, Ms. Repp-Loadsman, and

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1 the Police Chief.

2 Q. Did the Chief of Police attend that first
3 meeting?

4 A. Yes.

5 Q. Why was he there?

6 A. Because he and his department are responsible
7 for public safety. And we felt that it would be
8 valuable to have him as part of this conversation.

9 Q. Public safety was a topic at these meetings?

10 A. No, but it was a matter of concern to us. And
11 we wanted to make sure that everybody knew that we were
12 addressing it.

13 Q. What was the specific public safety concern
14 that the City had at that point?

15 A. So, what was the City's concern with public
16 safety?

17 Q. Yes.

18 A. The City wanted to reinforce that we're doing
19 everything that we could to maintain public access in a
20 safe environment for anyone who is visiting the
21 coastline.

22 Q. And how was that conveyed to the Coastal
23 Commission?

24 A. Just like that.

25 Q. And was there a detailed plan or what were the

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1 specifics besides that statement?

2 A. You know, I don't recall from that particular
3 meeting.

4 Q. Do you recall any specific plans in terms of
5 the City's representation to the Coastal Commission
6 related to safety and access?

7 A. At that meeting?

8 Q. At anytime.

9 A. Say that again, please.

10 Q. Do you recall any specific plans with respect
11 to safety and access being communicated to the Coastal
12 Commission from the City of Palos Verdes Estates?

13 A. I don't remember. I don't know because we have
14 shared with many people our efforts to, and the police
15 have been active, the Police Chief has been active in
16 communicating and having his staff put out fliers and
17 communicate. So, I just don't remember.

18 Q. Was there follow-up in terms of the site
19 location, Lunada Bay site meeting, how many people from
20 the Coastal Commission attended?

21 A. They may have had like four people.

22 Q. Do you remember any of their names?

23 A. Jordan Sanchez is one of them. And I don't
24 remember the other ones.

25 Q. Mr. Willis, does that sound familiar?

1 A. Yes.

2 Q. And in terms of Lunada Bay, it's marked on the
3 map as the southwest edge of the City?

4 A. Yes.

5 Q. And is the bottom portion of Lunada Bay is a
6 point that they call Resort Point; is that your
7 understanding?

8 A. Based on the map.

9 Q. Other than the map, do you have an
10 understanding of sort of the local geographical terms?

11 A. Other than the map, no.

12 Q. Is it fair to say in terms of Rocky Point, too,
13 other than the map, you don't know that outcropping is
14 called Rocky Point?

15 A. Correct, yes.

16 Q. And then when the trail, that green part of the
17 map around Lunada Bay to your understanding is that City
18 property; is that bluff top park there?

19 A. That bluff top is parkland, yes.

20 Q. And then the shoreline is parkland, too; is
21 that fair to say?

22 A. Yes.

23 Q. And does the City shoreline, does it wrap
24 around even the areas where there are homes around the
25 base of the bluff; that's my understanding is that

1 there's some shoreline at the base of the bluff that the
2 City park actually wraps around between the bluff and
3 the --

4 A. I couldn't tell you that.

5 Q. Who would know that at the City?

6 A. Palos Verdes Estates Homes Association.

7 Q. They would know that; and why would they know
8 that?

9 A. They have the deeds that identify the actual
10 lot lines and parameters of all of the properties.

11 Q. Is there a map at the City parks?

12 A. The City does not have parks.

13 Q. What does the City call it, open space?

14 A. Yes.

15 Q. Is there City owned open space?

16 A. No.

17 Q. And if someone wanted to define City owned open
18 space, how would they do that?

19 A. What do you mean by define?

20 Q. I'd like a tour of Palos Verdes Estates' open
21 space, Mr. Dahlerbruch, can you tell me does the City
22 have a map where I can go visit?

23 A. We would probably send them over to the Home
24 Association to look at their original documents.

25 Q. And the Home Association they would have the

1 original deeds, too?

2 A. Correct.

3 Q. And so your memory of that second meeting with
4 the Coastal Commission is that the group used the trail
5 to the south and walked down to the shoreline and then
6 walked along the shoreline up to what the City, I think,
7 calls a patio and others call Rock Fort; is that fair?

8 A. Yes.

9 Q. And what did you observe along the way; did you
10 notice items stored along the way?

11 A. There was debris along the way. There were a
12 couple of kayaks.

13 Q. Is it fair to say crab pots, lobster traps,
14 sort of ocean-oriented recreational tools?

15 A. As if they had washed up on the beach.

16 Q. That's your impression that these things had
17 all washed up on the beach?

18 A. Yes. They were not in an organized fashion.

19 Q. So, is that your impression with the kayaks,
20 too?

21 A. The kayaks were in the bushes. So, I don't
22 know how they arrived there, but they were actually in
23 the bushes.

24 Q. Would the City allow residents to store
25 personal items in open space?

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1 Coastal Commission, you made it to the fort and then
2 what happened?

3 A. They had never seen it before. They had never
4 been down there. They had only looked from on top. So,
5 they looked at it and inspected it and evaluated its
6 condition and talked about its removal and that was it.

7 Q. Did the Coastal Commission say that it had to
8 be removed?

9 A. They have consistently told us that the City
10 Council has the option of permitting it or removing it.

11 Q. And if it was permitted, did they want other
12 things to happen as part of the permitting process?

13 A. They have suggested in writing that if it was
14 permitted there may be other amenities that they feel
15 would enhance the area.

16 Q. And so do you recall any of the amenities that
17 the Coastal Commission thought that might enhance the
18 area?

19 A. They talked about benches and binoculars.

20 Q. Signs?

21 A. Signs, yeah.

22 Q. Does the City consider that a beach to be used
23 by the public or that is an accessible beach or does the
24 City have some other in terms of storm runoff or that
25 type of thing, is that a usable beach for residents and

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1 that going to start?

2 A. Monday.

3 Q. And do you know how long that it's supposed to
4 take?

5 A. I would defer to the City Engineer to give you
6 the specifics on that.

7 Q. Have you heard anything -- I've heard they're
8 bringing a dumpster down there; is that how they're
9 getting out that material?

10 A. Again, the City Engineer is the most
11 knowledgeable on the process. And there are options
12 available to the contractor to determine.

13 Q. And then in terms of after that second on-site
14 meeting, do you recall any other communications with the
15 Coastal Commission?

16 A. There has been an exchange of letters.

17 Q. Other than the exchange of letters, any
18 additional calls or in-person meetings?

19 A. No, not that I'm aware of.

20 Q. Do you have any familiarity if the Coastal
21 Commission is doing a survey of the coastal beach goers
22 related to the Lunada Bay?

23 A. I don't know.

24 Q. In terms of the next meeting with Heal The Bay,
25 who negotiated the contact with Heal The Bay?

112

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 273

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1 A. I did.

2 Q. And about when did you first call Heal The Bay
3 relating to the specifics of Lunada?

4 A. I really don't know when I initiated that.

5 Q. Would there be E-Mail communications relating
6 to that?

7 A. Not that I'm aware of.

8 Q. And was that an in-person meeting or a
9 telephone call?

10 A. In-person.

11 Q. Where was the meeting?

12 A. Their office.

13 Q. What City?

14 A. Santa Monica.

15 Q. Did you meet with Matt King?

16 A. Yes, Matt King and a woman, and I don't
17 remember her name.

18 Q. And how about on the City side, was there
19 someone beside yourself?

20 A. The same two other people, the Police Chief and
21 the Planning Director, slash, Deputy City Manager.

22 Q. And why was the Police Chief in attendance?

23 A. We were all on a listening tour to understand
24 perspectives and information and history and perceptions
25 and facts that people had.

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1 And it was important that all of us heard it
2 together, just like Surf Rider.

3 Q. What did you learn from the Heal The Bay
4 meeting?

5 A. They made suggestions about communicating with
6 the public and more from a public relation perspective
7 how we might illustrate to people through communications
8 that, you know, the space is accessible to everybody and
9 safe for everybody.

10 And that ended up being the primary point of
11 the discussion from their perspective.

12 Q. Is that because Mr. King has a P.R. background
13 or what?

14 A. No, because they're mostly a scientific
15 research oriented interest group for protecting the
16 quality of the water and beaches so they're again safe
17 for public use and in that way accessible for public
18 use. So, that's where they're coming from.

19 Q. And with the Heal The Bay meeting, how did it
20 end up with beach clean up day coming out of that, what
21 was the -- how did beach clean up equate to public
22 access?

23 A. The City has had a long history of working with
24 Heal The Bay and doing a beach clean up. So, I'm not
25 sure that there was a correlation between that meeting

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1 Q. Who with the City met with the Homeowner's
2 Association?

3 A. I recall that it was Ms. Repp-Loadsman and me.

4 Q. Who from Lunada Bay Homeowner's Association
5 attended the meeting?

6 A. There were probably half a dozen. And I don't
7 remember who they all were.

8 Q. Do you remember any of them of the half a dozen
9 people that you meet with?

10 A. The President is a gentleman by the name of
11 Peter Bena, P-e-t-e-r, B-e-n-a.

12 Q. And whom else do you remember meeting with?

13 A. I'm not sure.

14 Q. And what did the, as part of your listening
15 tour, what did the Lunada Bay Homeowner's Association
16 tell you; what did you gather from their sentiments?

17 A. They were equally concerned about the behavior
18 in the area and wanted it changed. They felt that the
19 area is open to the public and wanted it that way. And
20 they conveyed that to us.

21 It's kind of the essence of what we were
22 talking about.

23 Q. And what specific behavior did you understand
24 they were concerned with?

25 A. What they were reading in the newspaper.

1 (At 12:45 p.m., the deposition of
2 ANTON DAHLERBRUCH was adjourned for
3 the noon recess.)

4 ///

5 (At 1:45 p.m., the deposition of
6 ANTON DAHLERBRUCH was reconvened
7 from the noon recess.)

8
9 BY MR. FRANKLIN:

10 Q. Back on the record.

11 Mr. Dahlerbruch, can you tell me in terms of
12 your visits down to the beach, at the rock fort did
13 anyone ever offer you a beer?

14 A. Yes.

15 Q. And at that time did you know that there was no
16 alcohol policy or City ordinance at Palos Verdes
17 Estates?

18 A. I was not aware of it at the time.

19 Q. Did you report it to the Chief of Police as
20 something that was perhaps the City needed to look into
21 in terms of enforcing?

22 A. I did not.

23 Q. Why is that?

24 A. Because first of all, I didn't see a beer.
25 Somebody had mentioned it as I was just standing there

1 on the beach.

2 And I didn't see anything harmful taking place
3 for me to walk back, the time that it takes to get back
4 up the path, to call the police and have them come and
5 respond. I don't know that there would have been
6 anything there by that time anyway.

7 And I was there on a fact-finding, on my own
8 time just to, I heard lots of things going on. And I
9 wanted to understand it, you know, and was concerned
10 about what I had heard and I wanted to see it for
11 myself.

12 Q. As the chief executive of the City, do you
13 expect the ordinances to be enforced?

14 A. Yes.

15 Q. And if you knew that police officers under your
16 employment observed local surfers drinking beer at the
17 rock fort, would you expect them to issue a citation or
18 follow-up in some way?

19 A. You know, I feel very strongly that the Police
20 Department needs to enforce the laws and ordinances of
21 the City and, you know, anything going on down there,
22 that, you know, is not legal needs to be addressed with
23 very much care about that.

24 But then I leave it to the Police Chief to
25 manage his department and staff in terms of how they go

1 about doing their business.

2 Q. About when were you offered that beer?

3 A. Like the time of day?

4 Q. No, the month and year?

5 A. You know, I don't remember when it was. Again,
6 I had been down there a couple of times just to look at
7 it for myself. And I don't exactly remember the
8 particular visit.

9 There's a reference in one of my weekly reports
10 of me going down there. So, whatever date that is, I
11 just don't remember offhand.

12 Q. And in terms of are you aware that there's a no
13 open fire ordinance within the City in terms of camp
14 fires on the beach?

15 A. I'm aware of that now, yes.

16 Q. Do you expect that to be enforced?

17 A. Again, I very much feel that the laws of the
18 City have to be enforced. And I care very much about
19 people following the laws.

20 And I would leave it to the Police Department
21 and the Police Chief to determine how to do that
22 enforcement.

23 Q. And are you aware if there's a no cooking hot
24 food outside ordinance?

25 A. I'm not aware of that.

1 Q. And who within the department follows up on
2 that, parking citations?

3 A. I would have to ask the Police Chief. I don't
4 know offhand.

5 Q. In terms of parking citations, about how much
6 in terms of the budget is that each year; do you know?

7 A. Parking citations?

8 Q. Yes.

9 A. I don't know. It's relatively small.

10 Q. Does \$60,000 sound about right?

11 A. I can't speculate, but I know that it's not
12 big.

13 Q. And how about moving citations, do you know how
14 much revenue that brings into the City?

15 A. I don't know.

16 Q. And it would be someone within the, either the
17 Chief of Police or someone that works for him that would
18 be able to determine whether citations are issued more
19 frequently to people inside the City or outside the
20 City?

21 A. Yes.

22 Q. Do you know Charlie Mowat?

23 A. I recognize the name.

24 Q. Have you met with him before?

25 A. I think that he was one of, on one of my visits

1 down to the patio, he was one of the people there.

2 Q. And Mr. Mowat is a resident of Palos Verdes
3 Estates; is that correct?

4 A. I don't know that for sure.

5 Q. Did you ever receive communications from him in
6 the form of having concerns about Chief Kepley?

7 A. Oh, we did. We got a letter. I think that we
8 got a letter or an E-Mail from him.

9 Q. And what do you remember about that?

10 A. He was concerned that the Police Department is
11 not doing what he thinks the Police Chief should be
12 doing.

13 Q. And what did he think that the Chief of Police
14 should be doing?

15 A. I would have to see the letter again and I
16 could tell you.

17 Q. How about Mr. Papayans, did you ever have
18 communications with him; do you know who he is?

19 A. I know the name as an outcome of the lawsuit,
20 but I don't know him.

21 Q. There's a Michael Papayans who is an older
22 gentleman, older than the Defendant in this lawsuit;
23 have you ever received any communications from him?

24 A. Not to my recollection, but I don't know.

25 Q. So, right now you don't remember any specific

1 communications with either Mr. Mowat or Mr. Papayans?

2 A. Not Mr. Papayans. Mr. Mowat might have sent us
3 an E-Mail or a letter among all of the other residents
4 that we've heard from.

5 Q. Do you remember going down with to the City
6 Attorney to the rock fort and meeting with Mr. Mowat?

7 A. Two City attorneys, no.

8 Q. Do you remember going down with any City
9 Attorney to the rock fort?

10 A. I've not gone down with the City Attorney, but
11 I was down there. And I believe that he was one of the
12 people when I was down there that was there at the time,
13 yes.

14 Q. Do you remember receiving communications with
15 him in terms of how to best handle the issue with the
16 press?

17 A. Say that again.

18 Q. How to handle the issue with the press,
19 focusing on Lunada Bay?

20 A. From him, no, I don't recall that.

21 Q. Do you recall there being an undercover
22 operation set for January of 2016 to try to ferret out
23 the issue of violence on the beach?

24 A. At one point I was aware from the Police Chief
25 that they had planned some type of operation.

1 Q. And did you receive a telephone call from
2 somebody indicating that, complaining about the
3 undercover operation?

4 A. No.

5 Q. Did you receive a call from the community
6 anonymously from someone relating to an undercover
7 operation?

8 A. A phone call, no.

9 Q. Did you receive an E-Mail?

10 A. No, not that I recall.

11 Q. Did you receive an in-person visit from anybody
12 relating to an undercover operation planned for Lunada
13 Bay?

14 A. One of the folks that had reached out to the
15 City shared an in-person meeting that he was aware that
16 there might be something planned.

17 Q. And who was that?

18 A. I think his name was Thiel was his last name.
19 I don't remember his first name.

20 Q. T-h-i-e-l?

21 A. Something like that.

22 Q. Is it a Mr. Thiel or is that his first name?

23 A. He's male, but I don't recall his first name.

24 Q. Thiel is the last name.

25 What do you recall -- where was the visit with

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1 A. Yes.

2 Q. Did you ever hear that on Martin Luther King
3 Day paddle out that regular surfers and people who live
4 in Palos Verdes Estates who protested the protesters
5 paddled out in black face?

6 A. No.

7 Q. And if that had happened, would you expect that
8 to be written up in a police report?

9 MR. DIEFFENBACH: Calls for speculation, no
10 foundation.

11 THE WITNESS: I would be very concerned with
12 something like that, yes.

13 BY MR. FRANKLIN:

14 Q. Are you aware that a person that paddled out in
15 black face on Martin Luther King Day and told Mr. Taloa
16 that you don't pay enough taxes to be here?

17 A. No. I'm not aware.

18 Q. And is that as the City Manager, that would be
19 the type of thing that you would want investigated; is
20 that fair?

21 A. I would defer to the Police Department for what
22 violation of law took place and they would handle it,
23 yes.

24 Q. Would it cause you concern?

25 A. You know, it concerns me when there's

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1 intimidation taking place. We don't want that as a
2 community. And we take that very seriously and would
3 respond to it.

4 Q. Showing up in black face on Martin Luther King
5 Day, would you take that as intimidation?

6 A. I would refer to the Police Department to
7 handle it as they would be responsible for doing.

8 Q. Have you ever heard that some of the regular
9 surfers at Lunada Bay work for the Long Beach Police
10 Department?

11 A. No.

12 Q. Have you ever visited with the liquor store
13 owner related to an event that happened at his store, I
14 think, in 2015?

15 MR. DIEFFENBACH: Vague, ambiguous,
16 unintelligible.

17 THE WITNESS: Where is the store that you're
18 talking about?

19 BY MR. FRANKLIN:

20 Q. There's a liquor store in Lunada Bay. And it's
21 owned by an immigrant who is suing some of the same
22 individuals in this lawsuit; have you heard about that
23 lawsuit?

24 A. From the newspaper.

25 Q. Have you ever visited with the liquor store

1 Q. And does it work well?

2 A. Yeah.

3 Q. Full bars?

4 A. I don't recall.

5 Q. But enough to call?

6 A. Yes.

7 MR. FRANKLIN: I'm going to hand you a document
8 that has not been marked yet, but it appears to be a
9 City document.

10 This is from Charlie Mowat to Anton
11 Dahlerbruch, subject, patio structure dated Wednesday,
12 March 23, 2016, at 9:43 a.m. And that will be marked as
13 Exhibit 156.

14
15 (Deposition Exhibit 156 was
16 marked for identification
17 and is attached hereto.)

18
19 BY MR. FRANKLIN:

20 Q. Does that refresh your memory in terms of a
21 face-to-face meeting that you might have had with
22 Mr. Mowat?

23 A. Yes.

24 Q. In terms of timing it says that he met you the
25 other day.

1 So, does it sound like a few days ago, would
2 that be that week in March 23, 2016; does that sound
3 about right?

4 A. Yes.

5 Q. And he makes reference to you and Officer Best
6 were down on the shoreline; do you recall that?

7 A. Yes.

8 Q. And what was the purpose of being down there on
9 the shoreline with Officer Best?

10 A. We were providing a tour of the area to the
11 people that were with us.

12 Q. And you were with two lawyers?

13 A. No.

14 Q. Did he have it wrong?

15 A. Yes.

16 Q. Who were the people that you were with?

17 A. Two council members.

18 Q. They might have been lawyers because I think
19 that you have several lawyers on your council?

20 A. They could have been, but I don't know them in
21 that capacity.

22 Q. And who were the council members?

23 A. I don't recall.

24 Q. Was one of them the Mayor?

25 A. I don't recall which ones they were.

1 A. No.

2 Q. Have you ever heard of the Bird Rock Bandits in
3 San Diego?

4 A. No.

5 Q. Have you ever heard of the Pier Point Rats in
6 Ventura?

7 A. No.

8 Q. We touched on it briefly, but I think that your
9 answer was you had not reached out to any of these
10 communities to see how they might have dealt with the
11 problem of surfing gangs in their communities?

12 A. These other cities that you referenced; that's
13 correct.

14 Q. And if I were to ask the same question about
15 counties, it's the same answer that you haven't reached
16 out to any counties to see how they might have dealt
17 with the problem of surfing localism?

18 A. I have not.

19 Q. To your knowledge before today what did you
20 understand the problem of localism to be; what did you
21 understand the allegation to be?

22 MR. RICHARDS: Sorry, in this lawsuit?

23 MR. FRANKLIN: Generally, in terms of it being
24 an issue at Lunada Bay.

25 MR. RICHARDS: Thank you.

1 Q. Have you ever heard this phrase used by any of
2 the residents, if you want waves out here, you have to
3 earn your keep by cutting off kooks?

4 A. No.

5 Q. Have you ever heard of this, this is sort of
6 the opposite of localism. It's what some would call
7 Aloha or sharing of waves where it's actually a term,
8 it's a kook; have you heard of that?

9 A. I have not.

10 Q. And the concept is this, you know, to me the
11 best surfer in the water is the one having the most fun?

12 A. No.

13 Q. Or if you think someone is a novice paddling to
14 them and saying, hey, that's not how we do things here.
15 Why don't you take the next wave and I'll take the one
16 after that.

17 Have you ever heard of that being used in other
18 surf breaks?

19 A. No.

20 Q. Have you ever checked with any other surfing
21 communities whether it's Santa Cruz or San Clemente or
22 Huntington Beach where basically they put interpretive
23 signage for people at the top of their breaks outlining
24 basic rules for that particular break?

25 A. I'm sorry, the question is --

1 Q. Some municipalities post interpretive signage
2 at their surf breaks that outline the rules for that
3 break and might say that break is basically like a black
4 diamond expert, you should not go out there unless you
5 are an expert.

6 And it might say respect people, share waves.
7 Usually there are a handful of them and they say
8 something similar.

9 Have you as City Manager investigated what
10 other surfing communities have done trying to ease the
11 tension of the sharing of waves and the people that want
12 to use them?

13 A. If your question is have we investigated with
14 other cities what signage they have, we have not.

15 Q. Okay. Do you know the City Manager for
16 Santa Cruz?

17 A. No, I do not.

18 Q. How about Huntington Beach or Ventura or any of
19 the beach communities?

20 A. I know a couple of them.

21 Q. Do any come to mind in terms of communities,
22 not the person?

23 A. I know the manager in Oxnard.

24 Q. Okay.

25 A. Up until his retirement, I knew the manager in

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24 Q. Okay.

25 A. Up until his retirement, I knew the manager in

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1 Malibu.

2 Q. Is it fair to say that you didn't have surfing
3 localism related conversations with either of those
4 people?

5 A. It's a double negative.

6 Q. Fair enough.

7 Did you seek -- did you talk to either of those
8 two City Managers about localism?

9 A. I talked to the City Manager of Manhattan, I'm
10 sorry, Malibu about the patio structure and how they
11 dealt with anything similar in terms of public access.

12 Q. Did they have something similar?

13 A. No.

14 Q. They have a different public access issue
15 there?

16 A. Yes.

17 Q. It has to do with gates?

18 A. Yes.

19 Q. Is there any employee designated to handle
20 complaints from visitors?

21 A. Such as what?

22 Q. Any type of complaint if it's a, if it relates
23 to police it goes to the police department and do
24 complaints go to anywhere else if someone calls in; how
25 does that work?

260

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 279

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1 A. If someone is going to file a complaint with
2 the City, they can go on the website and there's a form
3 that they can fill in. And it designates who they send
4 it to.

5 We also have a directory on the website that
6 allows people to send individual E-Mails to whoever they
7 feel should get their complaint.

8 Or sometimes people will just call the City and
9 the receptionist will determine where best to direct the
10 complaint.

11 Q. Do you have an understanding of what a
12 citizen's arrest is?

13 A. A little bit.

14 Q. Do you have any understanding that there has
15 been an allegation in this lawsuit that Palos Verdes
16 Estates police officers have said, asking people do they
17 want to make a citizen's arrest rather than take a
18 report or do something else?

19 And the allegation is that they have been
20 discouraging outsiders from making reports or making a
21 citizen's arrest after that was suggested.

22 Words to the effect of, well, if you make a
23 citizen's arrest, these guys here are all wealthy. And
24 you're going to take on civil liability. And maybe you
25 don't want to do that; do you want to make a citizen's

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1 MR. DIEFFENBACH: Copy and rough draft, please.

2 THE REPORTER: Does any other Counsel want a
3 rough draft?

4 MS. VU: Copy.

5 MR. FIELDS: Copy.

6

7

8 (Whereupon, the deposition of
9 ANTON DAHLERBRUCH commenced at
10 9:45 a.m. and concluded at
11 5:45 p.m.)

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266

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 281

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1 REPORTER'S CERTIFICATION OF CERTIFIED COPY

2
3
4 I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
5 Certified Shorthand Reporter in the State of California,
6 certify that the foregoing pages are a true and correct
7 copy of the original deposition of ANTON DAHLERBRUCH,
8 taken on Friday, November 18, 2016.

9 I declare under penalty of perjury under the
10 laws of the State of California that the foregoing is
11 true and correct.

12 Dated this 18th day of November, 2016.
13
14
15
16
17

18 _____
19 Angelique Melody Ferrio
20 CSR No. 6979
21
22
23
24
25

Anton Dahlerbruch
November 18, 2016

Exhibit F, page 284

REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

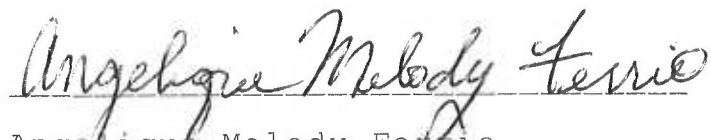
That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 18th day of November, 2016.
read and sign not requested


Angelique Melody Ferrio
CSR No. 6979